

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**WARDELL LEADON,**

**Plaintiff,**

**§**

**§**

**§**

**CIVIL ACTION NO. 6:04cv256**

**vs.**

**§**

**§**

**JIM DUDLEY ENTERPRISE, INC.**

**Defendant.**

**§**

**§**

**ORDER**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge recommending that Plaintiff's complaint be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, has been presented for consideration. Plaintiff objected to the Report (Doc. 17) on the grounds that he never received the Court's order instructing him that his case could be dismissed if he failed to show proof of service by April 10, 2005 (Doc. 12). However, Plaintiff signed a receipt upon delivery of the order, and on March 3, 2005, the Court received Plaintiff's acknowledgment of receipt of the order (Doc. 14). Thus, the Court is of the opinion that Plaintiff's objections lack merit and the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge (Doc. 15) as the findings and conclusions of this Court.

Accordingly, Plaintiff's case is DISMISSED for failure to prosecute.

**So ORDERED and SIGNED this 8th day of February, 2006.**



**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**